THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

MONDAY, THE TWENTY FIFTH DAY OF

TWO THOUSAND AND FIVE

WRIT APPEAL NO :1034 of 2000

Between:

1. The APSRTC., rep., by its Regional Manager, Medak

Region, Sangareddy and another ..Appellant

And

B. Yellaiah ..Respondent.

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO :1034 of 2000

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JUDGMENT:(Per Hon'ble Smt. Justice T. Meena Kumari)

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This writ appeal is filed by the appellants aggrieved by the order, dated 19.06.2000 in WP No.26270 of 1999, under which the learned Single Judge directed the respondents to regularize the services of the writ petitioner in the cadre of Driver-Grade II with effect from the date on which he completed 240 days of continuous

service.

The respondent herein is the writ petitioner. Originally, the writ petition was filed seeking a direction, in the nature of writ of Mandamus, declaring the order, dated 18.1.1996 in regularizing the petitioner's service only with effect from 31.7.1995 instead of regularizing the services with effect from 1.7.1992 on par with Ramulu and Raghu, as illegal and arbitrary.

It is the case of the writ petitioner that he was temporarily appointed as Driver in the department of the APSRTC with effect from 13.8.1991 and the Management of the Corporation has issued a Circular No.9/92, which provides that when an adhoc or a temporary employee completes 240 days of continuous service, his services are required to be regularized with effect from the date on which such employee has put in 240 days of continuous service.

The learned Single Judge having observed that the services of the writ petitioner shall be regularized from the date, on which he completed 240 days, disposed of the writ petition with a direction stated above. Aggrieved by the same, the present appeal has been preferred by the respondents-Corporation.

The learned Counsel for the appellants contends that as per the Memorandum of Settlement, dated 28.4.1994, it is agreed that the services of casual drivers/cleaners, who have been engaged during the years 1991 to 1994, and who completed 240 days, shall be regularized. He further contended that the agreed date of regularization is 31.7.1995 and accordingly, the services of the writ petitioner were regularized and therefore, the order of the learned Single Judge is liable to be set aside.

Perused the order under appeal and the other material available on record.

On perusal of the order under appeal it is apparent that the learned Single Judge directed the respondents to regularize the services of the writ petitioner from the date on which he completed 240 days, taking the version of the petitioner into consideration. The question as to whether the writ petitioner has completed 240 days prior to 31.7.1995 or not, is an evidential aspect and this Court need not go into that aspect while entertaining the writ appeals.

As can be seen from the order under appeal, it is manifest that the learned Single Judge having observed on one hand that the regularization was made only

under the agreement entered into between the parties, on the other, directed the appellants as stated supra. Therefore, we feel that the Order of the learned Single Judge is not sustainable and it is liable to be set aside.

Accordingly, the writ appeal is allowed. No costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Date: 25th July, 2005

Nn.